(1)

SINGLE BENCH

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 3821 **/ 2005**

PETITIONER:
(Judgement Debtors)

1. Malikram S /o Late Shri Bishau Satnami, aged about 35 years,
2. Sukhiram, S /o Late Shri Bishau Satnami, aged about 27 years,
3. Smt SaduBai , W/o Late Shri Bishau Satnami, aged about 65 years,

All R/o Village Chandiyapathra, Thana Simga , Tehasil Simga, District Raipur (C.G.)

Respondents Caveat for not admitted

D.R. No. 3699/05 presented by Shri Rohit Bangwar dated 1/8/05

4/8/05

VERSUS

RESPONDENTS:
(Decree Holders)

State Bank of India ,
Through the Branch Manager,
Bhatapara Branch, District Raipur, (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUENCE OF WRIT IN THE NATURE OF MANDAMUS, PROHIBTION, CERTIORARI, AND ANY OTHER WRITS, DIRECTIONS OR ORDERS.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक ..... WP 3821/05 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	22.8.2005 Shri Alok Pandey, counsel for the petitioner. Heard on admission. The petitioner has preferred this writ petition under Article 227 of the Constitution of India questioning the legality, propriety & correctness of order dated 22.6.2005 passed by the Executing Court i.e. learned 2nd Additional District Judge, Baloda Bazar whereby learned Additional District Judge rejected the applications filed by the petitioner herein under Order 20 Rule 11 and Section 151 of the C.P.C. for deferment of payment of decretal amount and making the payment in installments. I have heard learned counsel for the petitioner and perused the impugned order. Perusal of impugned order shows that a decree to the tune of Rs.5,35,995/- was passed against the petitioner herein on 7.1.2003 and thereafter, against the said decretal amount the petitioner herein up to date of impugned order paid only Rs.45,000/-, therefore, the Court below rejected the application on the ground that the petitioner/judgment-debtor has not complied with the previous order of the Court and he is deliberately not making any efforts to make the payment of decretal amount. In this connection, sub-rule (2) of Rule 11 of Order 20 of the CPC envisages that "*after the passing of any such decree the Court may, on the application of the judgment-*	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... 3821/05 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

debtor and with the consent of the decree-holder, order that payment of the amount decreed shall be postponed or shall be made by installments on such terms as to the payment of interest, the attachment of the property of the judgment-debtor, or the taking of security from him, or otherwise, as it thinks fit."

In the first instance, the decree-holder has not given any consent in the matter for accepting the decretal amount in installments nor the Court below found the request made by the petitioner genuine and therefore, rejected the same.

In view of the above facts, I am of the opinion that there is no infirmity & illegality in the order impugned and same does not require interference by this Court by invoking extraordinary jurisdiction under Article 227 of the Constitution of India. Therefore, the petition is dismissed.

In view of this order, I.A. Nos.7139/05 &7140/05 stand disposed of.

Sd/-
L.C. Bhadoo
Judge

24.8.05